



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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November 17, 2021

**BY ELECTRONIC MAIL**

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**Re: *United States v. Seth Fishman and Lisa Giannelli*, 20 Cr. 160 (MKV)**

Dear Counsel:

The Government writes to provide notice that the Government intends to offer evidence regarding the events and facts described below at the trial scheduled to begin in January 2021 in the above-captioned matter. The evidence is admissible as direct proof of the offenses charged in the Indictment or, in the alternative, as proof under Rule 404(b) of the Federal Rules of Evidence of the defendants' motive, opportunity, intent, preparation, plan, knowledge, identity, and absence of mistake or accident in committing the offenses charged in the Indictment. Specifically:

- From in or about at least February 2018 through in or about mid-2020, an individual identified as "971507834373@s.whatsapp.net Bengawi" ("Bengawi") and purportedly working for the Presidential Affairs Department: Sector of Scientific Centers & Presidential Camel Department, has solicited Seth Fishman to distribute performance enhancing drugs, and to create and distribute other illegal drugs. For example, in or about February 2018, Seth Fishman was asked by Bengawi to create and provide a "Viagra drink" and "viagra for ladies" that "can be added in juice for example." See Exhibit A. In the course of these communications, the contact provided Seth Fishman with a video of what appeared to be an individual spiking a woman's unattended drink. In response, Seth Fishman offered to make "BI-AGRA" which he described as "Female Viagra so strong it makes the woman bisexual." Separately, and both before and after Seth Fishman's arrest in this case, Bengawi has ordered and received from Seth Fishman drugs intended for camel and equine use. Bengawi, through Presidential Camel, was a party to the Federal Rule of Criminal Procedure 41 action filed in the United States District for the Southern District of Florida, in which the petitioner sought, through false descriptions of Bengawi's dealings with Fishman, to compel the Government to return contraband drugs seized from Equestology's office and storage space pursuant to a lawfully-obtained search warrant.

- From in or about 2004 through at least in or about 2009, while operating Equestology and during the period of the charged offenses, Seth Fishman distributed an alleged Human Growth Hormone, including to David Brooks, and supplied David Brooks with erythropoietin for administration on racehorses owned and raced by David Brooks. In the course of Seth Fishman's admission of these facts, Fishman further acknowledged that the purpose of administering drugs of these types was to increase a horse's red blood cell count. Fishman further acknowledged that anti-doping tests performed on Brooks' horses were unsuccessful in detecting these types of drugs because the tests were not designed to identify the particular drugs administered. Additionally, Fishman, on one occasion, in connection with Seth Fishman's work for David Brooks, Seth Fishman purchased vitamin supplements that were not approved to be shipped into the United States by the Food and Drug Administration, and arranged for them to be sent to the home of Terry Brooks, David Brooks' spouse.
- During the time period of the charged conspiracy, Seth Fishman manufactured, sold, and distributed adulterated and misbranded drugs, including performance enhancing drugs also sold to racehorse trainers and owners, to various purchasers who intended to increase the performance of humans and animals in sports other than professional horse racing, including: 1) to Dr. Geoff Vernon ostensibly for the benefit of various competitive, Olympics-level equestrian teams in Canada and the United States; 2) to the Russian Olympic weightlifting team; and 3) to various owners and trainers of racing camels.

[Continued]

- On or about March 31, 2011, Seth Fishman and Lisa Giannelli (known then as Lisa Ranger), through their representative Benjamin Schwartz, Esq., submitted a sworn statement to the State of Delaware, Division of Professional Regulation in connection with a then-ongoing investigation of Fishman and Giannelli by that agency. The statement makes multiple admissions regarding Fishman and Giannelli's work under the umbrella of "Equestology." The letter truthfully lists certain of Giannelli's tasks as an employee of Equestology, but included knowingly false statements as well, including the false claim that Giannelli "does not give veterinary medical advice" and that "[w]hen her clients ask her questions that require veterinary medical advice, she refuses to answer . . . and arranges for the client to speak directly to Dr. Fishman." The statement continues by claiming that "Lisa [Giannelli] does not sell drugs for Dr. Fishman," but rather "delivers supplies for Dr. Fishman" and "is nothing more than a delivery person for Dr. Fishman's practice." The statement also falsely states that "Dr. Fishman physically examines all animals he treats."

Very truly yours,

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by:                     /s/                      
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